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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000364

SIPDIS

STATE FOR EAP, DRL, IO; NSC FOR PHU

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TAGS: PHUM PGOV KPAO KJUS TH

SUBJECT: HOPING FOR JUSTICE: FOLLOWING UP ON CASES

HIGHLIGHTED BY PM ABHISIT, STARTING WITH LAWYER SOMCHAI

REF: BANGKOK 164 (PUSHING FOR ACCOUNTABILITY)

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Classified By: DCM James F Entwistle, reason 1.4 (b) and (d).

SUMMARY AND COMMENT

¶11. (C) There has been some movement in three of the four "cold cases" highlighted by PM Abhisit in January as priorities for resolution to restore a sense of accountability: the 2004 disappearance of Muslim lawyer Somchai; the 2003 murder of a witness in a possible tax evasion case by former PM Thaksin's company; the 2008 attempted murder of an Amcit in Hua Hin; and the 1989-90 deaths of Saudi diplomats (reftel). Justice Minister Pirapan Saliratthawiphak led a delegation including Somchai's widow to an Army camp in Ratchaburi province on February 7 to inspect bone fragments as part of the ongoing investigation into Somchai's disappearance. In a public relations stunt that struck many as preemptive and bizarre, former house speaker Yongyuth Tiyapairat held a press conference on February 10 to profess his innocence regarding the murder of whistleblower Kornthep Veriya, aka "Shipping Moo," which occurred in Yongyuth's home district in Chiang Rai. On January 29, police arrested the alleged mastermind of the October 2008 shooting of an American citizen. Former PM Chuan Leekpai, PM Abhisit's mentor, told Ambassador February 9 (septel) that the Somchai and Shipping Moo murders symbolized the culture of non-accountability of the Thaksin era; Chuan asserted that solving the cases would send a strong signal that violence by those in power or uniform should not be condoned or ignored.

¶12. (C) Comment: The continued attention paid to the cases flagged by Abhisit is a welcome sign of his government's apparently sincere intention to reinstall a sense of accountability and justice, but whether actual convictions will result in the most politically sensitive cases remains an open question. Of most importance is the Somchai case, given the implications for southern grievances; similar visits to the alleged murder site have occurred in the past

without result. We will continue to inquire about the Somchai case, and we plan to take part in memorial events planned for March 11 in connection to the five-year anniversary of Somchai's disappearance. Abhisit's inclusion of the Amcit shooting in his shortlist of priority cases confused many human rights and legal activists, since it was not a high profile incident with suspected official involvement; the case may have already been close to being solved, allowing Abhisit to claim an easy victory in a case involving a foreign victim. End Summary and Comment

SOMCHAI CASE: VISIT TO ALLEGED DUMPING GROUNDS

¶3. (SBU) Justice Minister Pirapan led Deputy Police Commissioner-General Thanee Somboonsap, the chair of the Somchai investigation, alongside reinstated Director General of DSI Police Colonel Thawee Sodsong, forensic expert Porntip Rojanasunan, and Somchai's widow Angkhana February 7 to review two separate locations at the Panurangsri Army camp in Ratchaburi province where investigators discovered rusted nails and bone fragments. Lawyers assisting Angkhana told us that police intelligence previously indicated that Somchai had been taken from Bangkok to the Ratchaburi camp, where his body was allegedly burned and disposed of in a nearby river.

¶4. (C) Angkhana told us on February 10 that this most recent visit included the same locations as previously surveyed, but that the boundaries of the search area had expanded. Pirapan told journalists that he intended to request Army personnel to search the area for further remains and to request Navy personnel to conduct a more extensive underwater search of the river. Media reports also indicated that Porntip briefed

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PM Abhisit on the status of the Somchai case during a private meeting at the Central Institute of Forensic Science on February 8. Porntip told us on February 10 that her Institute would conduct tests on the bone fragments and nails to see if they matched Somchai's DNA, but it would take five or more days for test results. She had already determined that the nails appeared to be burned by a gasoline-induced fire, and she suspected the nails were used to create a box that held Somchai's body.

¶5. (C) Views on the utility of the effort was mixed. Former PM Chuan cited police comments regarding the Somchai case ("The sky is now open") to suggest to Ambassador February 9 that the Abhisit government had removed pressure by previous governments intended to prevent the pursuit of the Somchai case. Abhisit had told the case officers in the relevant cases to push hard to resolution, regardless of who may have been behind the action. In contrast, Paul Green of the International Commission of Jurists (ICJ), a group that has advised Angkhana on building a murder case for the civil courts, labeled the weekend site visit to Ratchaburi as "media fluff," an unnecessary yearly ritual played out to assuage the UN and other international groups that progress on the case was imminent.

¶6. (C) Angkhana told us that although the search did not produce results, she maintained hope that the "green light" given by the Democrat Party-led government to advance the case would make witnesses more willing to talk than before, and that DSI officers assigned to the case would redouble their efforts. Angkhana said she intended to invite Abhisit to participate in a memorial event planned for March 11. Green told us that Angkhana attributed Abhisit's reinstatement of Police General Thanee to chair the investigation within the Department of Special Investigations (DSI) as a direct result of her January 20 private meeting with Abhisit (Thanee had been ousted by former PM and Thaksin ally, Samak Sundaraej). Green added that many DSI officials remained ultra-protective of Thaksin-era cases.

ANSWERS NOT IN GRAVESITES, BUT PHONE RECORDS?

¶ 17. (C) Abhisit told Human Rights Watch consultant Sunai Phasuk on February 11 that he made it clear to DSI not to wait for concrete evidence of Somchai's death in order to proceed with a criminal investigation, according to Sunai. Most credible sources doubted that DSI had worked at full-capacity on the Somchai case; ICJ suggested the key to the case could be found not "in digging holes in Ratchaburi," but in a reexamination of the five police officers prosecuted in 2005. Green told us in December 2008 that the exclusion of critical mobile phone evidence from the case could have pinpointed the location of all five officers and linked them to a caller in the Government House. He said that the judge excluded mobile phone evidence at the time of the 2005 trial because the copies of call histories provided by the Telephone Authority of Thailand (TOT) had portions blackened out, and the court could not verify the accuracy of the records.

¶ 18. (SBU) Note: The court eventually acquitted four officers, convicting only Police Major Ngern Thongsuk of coercion and sentencing him to two years imprisonment. On appeal since 2006, Ngern's case was further complicated by his alleged death in a September 2008 mudslide, though no body was ever found or death certificate issued. Angkhana continues her pursuit of the criminal case despite pressure from police officials to drop the case on the basis of Ngern's alleged death, according to media reports. March 12 will mark the five-year anniversary of Somchai's disappearance, and by Thai law he may be legally declared dead in a civil case.

SHIPPING MOO: FORMER SPEAKER PLEADS INNOCENT, UNPROMPTED

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¶ 19. (SBU) In an unexpected turn in the case of the 2003 murder of Kornthep Veriya, a.k.a. "Shipping Moo," former House Speaker Yongyuth Tiyapairat organized a televised press conference on February 9 to profess his innocence. Yongyuth's name had not previously been linked publicly to Shipping Moo's death, though the murder took place in Yongyuth's political stronghold of Chiang Rai during the height of the Thaksin era. Kornthep had provided shipping documentation alleging import duty/tax evasion by former Prime Minister Thaksin's Shin Satellite Corporation in 2003 to a Democrat Party investigation. A Democrat Party member provided Kornthep protection in Chiang Rai following his testimony, but gunmen shot and killed him in 2003. At the time, police claimed members of a drug smuggling gang had killed him. During the press conference, Yongyuth tried to link the case to pressure put on him the day after the 2006 coup by security officials, playing closed circuit video footage of an alleged September 20 2006 raid. Yongyuth claimed that local politicians had ordered his arrest for the murder of Kornthep.

SHOOTING OF AMCIT: ALLEGED MASTERMIND NABBED

¶ 110. (SBU) Thai immigration police arrested alleged mastermind Janpen Oxley, the Thai wife of a British national, as she attempted to enter Cambodia January 29; Janpen was fingered in the shooting of an American citizen in Hua Hin in October 2008. The shooting occurred the day before he was scheduled to file a lawsuit against Janpen and her husband for an alleged property scam. The American citizen survived the gunshot wound to his neck, but remained paralyzed. Janpen's arrest came after three additional suspects confessed that Oxley had hired them to kill him for 200,000 baht (\$5,700).
JOHN